

Disability Rights IOWA

Law Center for Protection and Advocacy™



Disability Rights

Disability Rights Iowa
400 East Court Ave. Ste.400, Des Moines, IA 50309
515-278-2502
www.disabilityrightsiowa.org

Rights Movements

- Civil Rights



- Women's Rights



- Rights of LGBTs



- Farmworkers Rights



Disability Rights Movement



<https://www.youtube.com/watch?v=ueQ0TfVGxU4>

But, not all individuals with disabilities
were marching in the streets



Willowbrook State School, Staten Island, NY 1972

Exposé

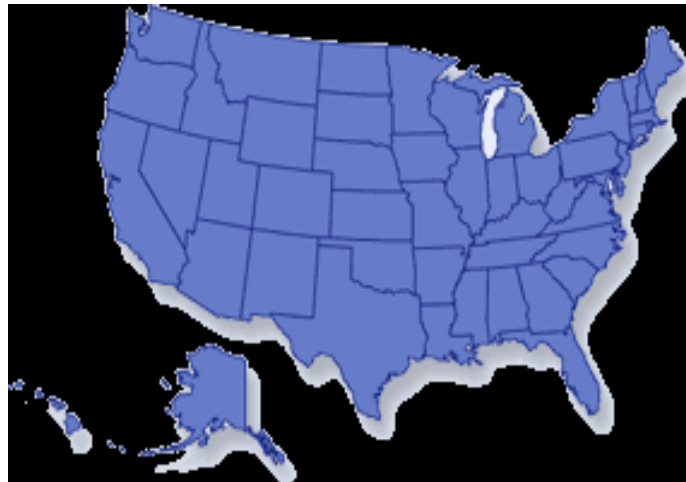


Geraldo Rivera, WABC-TV, 1972

https://www.youtube.com/watch?v=RA7sX_FYSCY

Willowbrook Scandal→

Congress established the protection and advocacy system for individuals with developmental disabilities



www.ndrn.org

Other Scandals →

System to Protect & Advocate Grew

- Senate investigation into psychiatric facilities (1986) → Protection and Advocacy for Individuals with Mental Illness Program (SAMHSA, HHS)
- Presidential Election (2000) → Protection and Advocacy for Voting Access (Help America Vote Act, Adm. on Community Living, HHS)
- Henry's Turkey Farm, Atalissa, IA → Representative Payee Program (Social Security Administration)

Current DRI Programs (federally funded)

- P&A for Individuals with Developmental Disabilities, including intellectual disabilities
- P&A for Individuals with Mental Illness
- P&A for Individuals with Traumatic Brain Inj.
- P&A for Individual Rights
- P&A for Voting Access
- P&A for Social Security Beneficiaries
- P&A for Assistive Technology

More DRI Programs

- Victims of Crime Act
- Communities Against Hate
- Work Incentive Planning Assistance

Authority

P&A is an “agent of the federal government, suing to assure the state’s compliance with the federal duties of care for [individuals with mental illness] that the state agreed to perform.”

Indiana Protection and Advocacy Services v. Indiana Family and Social Services Administration, (7th Cir. April 22, 2010) (J. Posner, concurrence)

Federal Statutes: Authority of P&As

1) Quasi-Investigation Agency:

Investigate incidents of abuse and neglect of individuals with disabilities if P&A receives

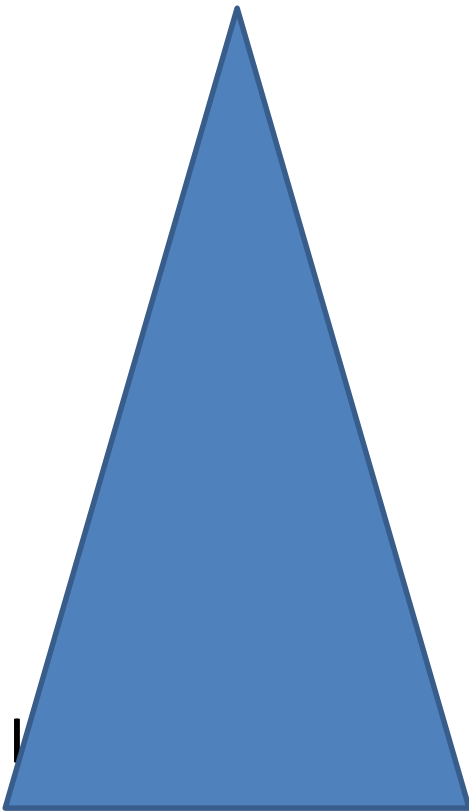
- Complaint
- P&A Determines Probable Cause of Abuse & Neglect

Federal Statutes: Authority of P&As

2) Representation: Pursue relief on behalf of individuals with disabilities

- Legal (individual or class action)
- Administrative
- Advocacy
- Negotiation
- Other

Laws to Protect Rights of Individuals with Disabilities, including



(1973) Section 504 of the Rehab Act

(1975) Ind. w Disabilities in Ed Act

(1975) Dev. Disabilities Assistance
and Bill of Rights Act

(1986) Protection and Advocacy for
Individuals with Mental Illness Act

**(1990) Americans with Disabilities
Act, amended (2008)**

(2000) Ticket to Work and Work
Improvement Act

(2000) Help America Vote Act

Americans with Disabilities Act, as amended



- Definition of “disability” broadened in 2008
- ADA prohibits disability-based discrimination
 - in employment (ADA Title I)
 - by state and local governments (ADA Title II)
 - public accommodations (ADA Title III)

Disability Rights Iowa-

Non-Profit Law Firm

- ❖ 7 attorneys (including director)
- ❖ 4 advocates
- ❖ 1 paralegal
- ❖ 2 benefit planners
- ❖ Administrative and Financial staff